



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF SPRINGVILLE, UTAH
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET
AUGUST 19, 2014 – 7:00 P.M.**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Tuesday, August 19, 2014, at 7:00 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Councilmember Rick Child, Councilmember Christopher Creer, Councilmember Dean Olsen, Councilmember Craig Conover, Councilmember Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn.

Also present were: Public Safety Director Scott Finlayson, Administrative Services Manager Rod Oldroyd, Buildings and Grounds Director Alex Roylance, Museum of Art Director Dr. Rita Wright, Public Works Director Brad Stapley, Library Director Pam Vaughn, Community Development Director Fred Aegerter, Power Director Leon Fredrickson and Recreation Director Charles Keeler.

CALL TO ORDER

Mayor Clyde welcomed those present and called the meeting to order at 7:04 p.m.

INVOCATION AND PLEDGE

Councilmember Sorensen offered the invocation, and Boy Scout, Richie Leavenworth led the Pledge of Allegiance.

APPROVAL OF THE MEETING'S AGENDA

COUNCILMEMBER CONOVER MOVED TO APPROVE THE MEETING'S AGENDA AS WRITTEN. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE.

MAYOR'S COMMENTS

Mayor Clyde welcomed scouts from Troop #1744. He gave instructions on giving public comment.

CEREMONIAL AGENDA

1. **Presentation to Brent Packard for his years of service on the Planning Commission.**

Mayor Clyde asked Mr. Brent Packard to the podium. He recognized Mr. Packard for his service on the Planning Commission. Community Development Director Fred Aegerter and Councilmember Child presented the award to Mr. Packard and thanked him for his contribution and hard work with the Planning Commission.

PUBLIC COMMENT:

There was none.

CONSENT AGENDA*

2. Approval of all City purchase orders properly signed (Springville City Code §2-10-110(5))
3. Approval of Minutes – April 15, 2014 Work/Study Meeting
4. Approval of the Appointments of Patrick Monney and Elizabeth Crandall to the Power Board
5. Approval of Springville and Spanish Fork Cities partnering with a developer to improve a 10-acre portion of the airport – Bruce Riddle, Assistant City Administrator/Finance Director
6. Approval of the Spanish Fork/Springville Airport FAA Grant Offer and Construction Bid – Bruce Riddle, Assistant City Administrator/Finance Director

COUNCILMEMBER OLSEN MOVED TO APPROVE THE CONSENT AGENDA.
COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE.

PUBLIC HEARING

7. **Public Hearing to consider an amendment to Title 11, Chapter 6, Section 114 (4)(e) regarding cross access requirements on abutting commercial properties** – Fred Aegerter, Community Development Director

Director Aegerter reported the proposed amendment was created in response to direction from the City Council to consider options for a site on 400 South that was concerned about the requirement to provide cross access between their property and the property located directly to the west. Director Aegerter noted the Commission has expressed concern over the development of site-specific ordinance language and its unintended consequences. Staff has tried to follow the direction of the City Council to provide language for their consideration that addresses their specific concerns and has limited application.

Director Aegerter referred to the direction of the Council on July 1, 2014 asking for consideration to amend the zoning ordinance and to not require cross access for Zion's Bank located at 400 South 550 West. He explained in an effort to be more business friendly Staff was directed by the Council to create an ordinance specifically addressing that issue for the City Council's consideration.

Discussion was raised regarding whether Zion's Bank would locate in Springville and if the cross access was a deterrent. Mr. Aegerter noted in his talks with Zion's Bank property

management, they stated because of current economic conditions they would not be in favor of building bank at this time.

Director Aegerter noted the change in the Ordinance would apply city wide not just for the bank property.

MAYOR CLYDE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY COMMENTS.

THERE WAS NONE.

COUNCILMEMBER SORENSEN MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER CHILD SECONDED THE MOTION, AND ALL VOTED AYE.

Councilmember Conover expressed that had this been considered a year ago the bank would be built in Springville and not Lehi.

Councilmember Creer stated he didn't think the bank based their decision on cross access alone, that other factors were involved.

Mayor Clyde stated he talked with a representative from the Bank and they understood and the cross access would not have been an issue. Mayor Clyde asked if the Planning Commission said no and Council approved what language would be used in the Ordinance. Director Aegerter stated the wording could be changed to reflect what the Planning Commission recommends or Council can make their changes.

COUNCILMEMBER CONOVER MOVED TO APPROVE ADOPTING ORDINANCE #20-2014 AMENDING MULTIPLE SECTIONS OF SPRINGVILLE CITY CODE, 1991, TITLE 11, CHAPTER 6, SECTION 114(4)(e) REGARDING CROSS ACCESS REQUIREMENTS ON ABUTTING COMMERCIAL PROPERTIES. ALLOWING THE PLANNING COMMISSION OR CITY COUNCIL TO MODIFY REQUIREMENT.

COUNCILMEMBER SORENSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CHILD-AYE, COUNCILMEMBER OLSEN-NAY, COUNCILMEMBER CREER-NAY, COUNCILMEMBER CONOVER-AYE, AND COUNCILMEMBER SORENSEN-AYE. THE MOTION PASSED THREE TO TWO

8. Public Hearing to consider proposal to amend Springville City Development Code §11-6-413(c) in regards to the allowable size of an accessory structure in conjunction with a wireless facility – Fred Aegerter, Community Development Director

Director Aegerter reported Staff researched the minutes from the meeting the current ordinance was considered by the Planning Commission (12/05/2006), to understand where the maximum 240 square foot limit originated and found the number was based on an estimated 12' x 20' structure. In the last eight years since the ordinance was adopted, no new tower facilities have been constructed. In discussions with Verizon this size of building doesn't allow for all of their equipment inside of an accessory structure. The Planning Commission inquired if the

building they are requesting would be large enough. Verizon replied their company usually has the largest accessory structure and the request for 312 square feet would be sufficient for them and their competitors.

Director Aegerter noted Staff recommends approval of the proposed amendments finding the increased shelter size would be keeping up with the industry standard and is in keeping with the General Plan and meets Springville City Code.

MAYOR CLYDE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY COMMENTS.

Pete Simmons a representative with Verizon Wireless stated in reviewing the code, Verizon has not seen a size of 240 square feet. They use a 12x26, 312 square foot standard for equipment shelter and are able to keep everything inside. He noted they are also required to keep a backup generator for the site and this will allow them to keep it in the shelter.

COUNCILMEMBER CHILD MOVED TO CLOSE THE PUBLIC HEARING. COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE.

COUNCILMEMBER CREER MOVED TO APPROVE ADOPTING **ORDINANCE #21-2014** AMENDING SECTION 11-6-413(c) OF SPRINGVILLE CITY DEVELOPMENT CODE, INCREASING THE MAXIMUM SIZE OF AN ACCESSORY BUILDING FOR WIRELESS FACILITIES

COUNCILMEMBER CONOVER SECONDED THE MOTION. COUNCILMEMBER SORENSEN SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CHILD-AYE, COUNCILMEMBER OLSEN-AYE, COUNCILMEMBER CREER-AYE, COUNCILMEMBER CONOVER-AYE, AND COUNCILMEMBER SORENSEN-AYE. THE MOTION PASSED UNANIMOUSLY

9. **Public Hearing to consider Springville City's sale of approximately 9.2 acres of property located at approximately 1300 West 1650 North in Springville, Utah** – John Penrod, Assistant City Administrator/City Attorney

PUBLIC HEARING WILL BE CONTINUED ON SEPTEMBER 2, 2014

City Attorney John Penrod informed the Council he had been in contact with the purchaser and there were some concerns about wetlands. Attorney Penrod asked to continue the public hearing until September 2, 2014 in order to have a better understanding of wetlands issue

COUNCILMEMBER CHILD MOVED TO APPROVE CONTINUING THE PUBLIC HEARING UNTIL SEPTEMBER 2, 2014. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.

REGULAR AGENDA

10. Consideration of a bid award and contract for the 2600 West street reconstruction from 600 south to the City limits to the lowest responsible bidder, Johnston and Phillips, Inc., in the amount of \$412,743.08 – Brad Stapley, Public Works Director

Mayor Clyde commented the roundabout at 1300 East is working. Director Stapley provided photos of the roundabout taken by GIS Planner Mike Philp, prior to the opening of the roundabout. Director Stapley noted the photos were taken from a “quad copter” and shows the roundabout functions how it was modeled, it is clearing and working very well.

Director Stapley noted traffic is going very fast down Canyon Road towards the roundabout and they are looking at ways to slow it down. He explained there is no parking along the church in that area because the road narrows.

Councilmember Sorensen suggested a resident south of the fire station is known for his snow sculptures it would be nice to have him do them in the roundabout. City Administrator Fitzgerald informed the Council, the individual has contacted the City about being able to have a place for his snow sculptures and Staff is working on what will go in the middle of the roundabout.

Director Stapley described to the Council, 2600 West is an extension of Spanish Fork Main Street and is a regionally important roadway. It is shown as a regional arterial on the City’s functional classification map in the general plan. The scope of work involves 600 feet of road way from Spanish Fork north. Bid results were fairly close and Johnston Philips was the low bidder. Director Stapley noted a lump-sum \$20,000 bonus will be paid for final completion on or before Friday, October 17, 2014 at 5:00 pm MDT. Liquidated damages have been set at \$1,000 per day.

Councilmember Sorensen asked if the property owners are responsible for road. Director Stapley explained the road is an impact fee eligible road and they are paying impact fees for the roadway. City Administrator Fitzgerald explained a developer will put in onsite roads and impact fee eligible roads will receive reimbursement.

City Attorney Penrod commented the City will be re-evaluating impact fee roads and the Council will be able to review. Past Council has chosen to go one way. In the next few months a new approach will be up for review with the Council. City Attorney Penrod explained the City can only require what is proportionate to the development. Mayor Clyde asked the purpose for doing a small section. City Attorney Penrod replied it is part of the development agreement. City Administrator Fitzgerald noted impact fees need to be used within six years.

COUNCILMEMBER CREER MOVED TO APPROVE A BID AWARD AND CONTRACT FOR THE 2600 WEST STREET RECONSTRUCTION FROM 600 SOUTH TO THE CITY LIMITS TO THE LOWEST RESPONSIBLE BIDDER, JOHNSTON AND PHILLIPS, INC., IN THE AMOUNT OF \$412,743.08

COUNCILMEMBER CONOVER SECONDED THE MOTION, AND ALL VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

Mayor Clyde declared a conflict, his company bid on the project, although he did not vote on the motion.

11. Consideration of selling 0.0078 acres located immediately West of I-15, Utah Serial No.23:02710053 to Bad Barley LLC – John Penrod, Assistant City Administrator/City Attorney

City Attorney Penrod explained the City currently owns approximately 0.0078 acres, or 340 square feet, of property that is located west of I-15 and south of Days Inn. Brad Tew of Bad Barley LLC has recently submitted an offer to the City to purchase the property for \$750.00. Bad Barley LLC owns approximately 0.173 acres of property adjacent to the City's property. Mr. Tew plans to combine the two properties and build an art studio on the property. An appraisal has not been done on the property, noting an appraisal would cost more than the property.

COUNCILMEMBER CONOVER MOVED TO APPROVE SELLING 0.0078 ACRES LOCATED IMMEDIATELY WEST OF I-15, UTAH SERIAL NO.23:02710053 TO BAD BARLEY LLC FOR \$750.00.

COUNCILMEMBER CREER SECONDED THE MOTION, AND ALL VOTED AYE. THE MOTION CARRIED UNANIMOUSLY.

MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Conover asked about the status of the 950 West 400 South traffic lights. Director Stapley replied they are waiting UDOT (Utah Department of Transportation) to get the poles.

Mayor Clyde asked for a status on the railroad crossing at 950 West. Director Stapley stated he is working with the Railroad. Director Stapley received a letter from citizens regarding the railroad crossings in the area. City Administrator Fitzgerald noted citizens have asked about quite zones within the City. The area in question has been relatively quiet over the last few years and citizens have asked if the crossings could be updated so the trains will not need to blow there whistle. He noted each of the crossings would be about \$500,000.00 and there are at least 17 crossings within the City, this area would have four crossings. City Administrator Fitzgerald stated he mailed a response out to citizens today.

Councilmember Conover asked when the detour sign at the roundabout will be coming down. Director Stapley replied they have chosen to leave the sign up for one more day to keep big trucks from driving on the concrete and give it more time to cure. Director Stapley noted if the concrete were to be damaged they would have to close the road down and take the concrete out to repair. Consensus of the Council was to leave the detour sign in place for another day and allow it more time to cure. Councilmember Conover asked if it would be removed in the morning or afternoon. Director Stapley replied as soon as we can get crews out it will be taken down.

Councilmember Sorensen asked if the City would be interested in the old Grant School building. City Administrator Fitzgerald replied there may be an interest in the property not the

building, the cost of demolition is an issue. Director Fitzgerald explained the City meets regularly with the Nebo School District and continue to discuss options.

Councilmember Conover asked about the mosquito problem on the west side. Building and Grounds Director Roylance stated he has talked to the County Mosquito Abatement office and they have sprayed and have Springville and Provo on their upcoming calendar.

CLOSED SESSION

12. *The Springville City Council may temporarily recess the regular meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*
No Closed Session.

ADJOURNMENT

COUNCILMEMBER CHILD MOVED TO ADJOURN THE CITY COUNCIL MEETING AT 8:07 P.M. COUNCILMEMBER OLSEN SECONDED THE MOTION, AND ALL VOTED AYE.